

REMARKS

In the Office Action¹ ("OA") mailed January 12, 2006, the Examiner objected to claims 1 and 3, rejected claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite, and rejected claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,859,584 to Counsell et al. ("*Counsell*").

By this amendment, Applicants amend claims 1 and 3. Support for the amendment may be found in, for example, Figure 2 and lines 1, 2, and 19-30 on page 10 of the specification. In view of the following remarks, Applicants respectfully traverse the Examiner's rejections of the claims under 35 U.S.C. § 112, second paragraph, and 35 U.S.C. § 102(b).

Claim Objections

The Examiner objected to claims 1 and 3 because of informalities. Applicants amend claims 1 and 3 to correct the informalities. Accordingly, Applicants request that the objection to claims 1 and 3 be withdrawn.

Section 112, Paragraph 2, Rejection

The Examiner rejected claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants amend claim 1 to address the Examiner's rejection under 35 U.S.C. § 112, second paragraph. Accordingly, Applicants request withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, and the timely allowance of claim 1.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Section 102(b) Rejections

The Examiner rejected claims 1-3 under 35 U.S.C. § 102(b) as anticipated by *Counsell*. In order to properly anticipate Applicants' claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in...the claim." See M.P.E.P. § 2131 (8th Ed., Aug. 2001), quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." M.P.E.P. § 2131 (8th ed., 2001), p. 2100-69.

Applicants respectfully submit that *Counsell* does not disclose or suggest the claimed combination of steps as recited in amended claim 1. For example, the reference does not disclose or suggest any device or structure having all recited elements including a device having "a comparator unit configured to receive the voltage potential for comparison and the communication signal, to compare the voltage potential for comparison with the communication signal, to amplify the communication signal which is superimposed and modulated on direct-current power on a power line, and to output an output signal comprising the amplified communication signal, wherein the voltage potential is substantially independent of the output signal," as recited in amended claim 1.

Counsell discloses a combined data and power transmission arrangement that includes transmitter/receiver units for transmitting a digital data signal over a power

transmission line (*Counsell* abstract; Fig. 1). The comparator compares a data signal from the power transmission line to a threshold signal applied to the comparator's positive input (*Counsell* col. 2, lines 47-49). However, the threshold signal is "a positive feedback signal, derived from the output of" the comparator through a potential divider chain "comprising a 100 KOhm resistor R9 and a 10 KOhm resistor R7" (*Counsell* col. 2, lines 53-56). Therefore, *Counsell* at least does not disclose any device or structure having all recited elements including "a comparator unit configured to receive the voltage potential for comparison and the communication signal, to compare the voltage potential for comparison with the communication signal, to amplify the communication signal which is superimposed and modulated on direct-current power on a power line, and to output an output signal comprising the amplified communication signal, wherein the voltage potential and the communication signal are substantially independent of the output signal," as recited in amended claim 1.

For at least the foregoing reasons, Applicants submit that claim 1 is not anticipated by *Counsell*. Dependent claims 2 and 3 are allowable not only for the reasons stated above with regard to their allowable base claim, but also for their own additional features that distinguish them from *Counsell*. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejections of claims 1-3 under 35 U.S.C. § 102(b).

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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